IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.284 OF 2006**

| Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders |
|---|---|

Mr.P.R.Dave for the petitioners.

Mr.Nimish Desai for Respondent no.1.

Mr.P.S.Hingorani APP for the State.

**Coram : R.S.Mohite,J**

Date : 7.2.2006.

PC

1. By this application what is sought is stay of proceedings of a case under section 138 of N.I.Act pending the receipt of final report under Section 173(2) of Cr.P.C. required to be filed by the Bandra police station in MECR No.5/2001. It appears that the accused in 138 proceedings had filed an application under Section 210(1) of Cr.P.C. and this was rejected by the Magistrate on 13.6.2005. The revision impugning this order also came to be rejected by the Sessions Court on 19.7.2005. Police case was filed in the year 2001 and that pertains to

alleged forgery of the hire purchase agreement executed on 24.4.1994 under which the amounts were paid and cheques were issued to secure payments. By no stretch of imagination this case and the 138 proceedings can be in respect of the same offence. Prayer clause also does not indicate that there is any challenge to the orders of the lower Courts. In any case there is no substance in the application and the same is rejected.

**(R.S.Mohite,J)**